

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, OCTOBER 29, 1996
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:10 a.m. Mayor Golding convened the Special Joint Meeting of the City Council with the Redevelopment Agency, and the Meeting of the Redevelopment Agency at 10:20 a.m., simultaneously with the Council Meeting. All Council Members were present. At 10:41 a.m. Mayor Golding adjourned the Special Joint Meeting of the City Council with the Redevelopment Agency, and the Meeting of the Redevelopment Agency.

Council Member Wear recognized and welcomed a group of students from Saint Vincent School in Mission Hills.

The meeting was recessed by Mayor Golding at 12:16 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Golding at 2:13 p.m. with all Council Members present. Deputy Mayor Stallings adjourned the meeting at 3:25 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

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Clerk-Abdelnour/Fishkin (ms/mc)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-not present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

PUBLIC COMMENT:

ITEM-PC-6: REFERRED TO CITY MANAGER

Comment by Bill Schwenker regarding problems with the Torrey Reserve Project.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A004-016.)

COUNCIL COMMENT:

None.

ITEM-310: HEARING GRANTED, TO BE HELD IN 60 DAYS

SUBJECT: Request for hearing of the appeal, by Scott Peotter (applicant), from the decision of the Planning Commission in overturning the decision of the Hearing

Officer in approving PCD(AM)/CUP(AM)-95-0271, Unocal
Service Station #6893, Palm Avenue.

(Otay Mesa-Nestor Community Area. District-8.)

TODAY'S ACTION IS:

A motion either granting or denying the request for a
hearing of the appeal.

SUPPORTING INFORMATION:

The applicant is proposing to demolish two pump islands, with an
eight car capacity, an associated canopy and a free standing
cashiers booth; and construct six new islands with a twelve car
capacity, a new 3,190-square-foot canopy, a 1,371-square-foot
food mart, new landscaping and parking.

LEGAL DESCRIPTION:

The subject 27,801-square-foot Unocal gasoline sales station site
is located in front of and at the midpoint of the 5.3-acre Palm
Ridge Shopping Center located on the north side of Palm Avenue
west of I-805. Property to the west is developed with
multi-family residential neighborhoods. Palm Ridge Park is
located across Palm Avenue, south of the center.

FILE LOCATION: PERM: PCD/CUP-95-0271

COUNCIL ACTION: (Tape location: A020-064.)

MOTION BY VARGAS TO GRANT THE REQUEST FOR A HEARING OF THE
APPEAL IN 60 DAYS. Second by Warden. Passed by the
following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

ITEM-330:

SUBJECT: (Continued from the meetings of August 6, 1996, Item
333; and September 17, 1996, Item 330; last continued
at the request of Councilmember Mathis, to allow time
to work with homeowners in the area to come up with a
solution.)

This is the second of two scheduled public hearings regarding the proposed Arroyo Sorrento Assessment District No. 4077. Following public testimony at today's meeting, the Council will consider and may confirm the proposed assessments. (1913 Improvement Act).

(See City Manager Report CMR-96-118. Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Upon affirmative findings at today's public hearing, adopt the following resolution:

(R-97-486) ADOPTED AS RESOLUTION R-287979 ABANDONING THE
PROJECT UNDER THE 1913 IMPROVEMENT ACT

Considering the protests, confirming the assessments, and ordering the improvements in the matter of the Arroyo Sorrento Assessment District No. 4077.

CITY MANAGER SUPPORTING INFORMATION:

Arroyo Sorrento Road, Via Del Mar, Tierra Del Sur, and Arroyo Sorrento Place are unpaved streets that serve an area of the City located east of Interstate 5 and south of Carmel Valley Road. This area was annexed to the City from the County in 1958. A petition to construct street improvements by means of a 1913 Act Assessment District was signed by the owners of 89.4 percent of the land area subject to assessment. A second petition was circulated and filed to specifically request that the street improvement project include the undergrounding of overhead utility lines. On June 11, 1996, the City Council adopted Resolution of Intention R-287502, as amended, to delete the underground utility portion and to continue with the remainder focusing on the road paving portion.

FILE LOCATION: STRT-D-2289

COUNCIL ACTION: (Tape location: A339-B015.)

Hearing began at 10:41 a.m. and halted at 10:55 a.m.

Testimony in opposition by Bill Schwenker, Ann Harvey and Cecelia Kemper.

Testimony in favor by Myles Cooper and Rudy Southerland.

MOTION BY MATHIS TO ABANDON THE DISTRICT UNDER THE 1913 IMPROVEMENT ACT AND DIRECT THE CITY MANAGER TO RETURN TO COUNCIL WITHIN 30 DAYS TO INITIATE A RESOLUTION OF INTENTION TO FORM A 1911 IMPROVEMENT ACT DISTRICT. THIS IS CONDITIONED TO PRIOR CONSULTATION WITH THE PROPERTY OWNERS TO BE SURE WE ARE ON THE RIGHT TRACK. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331:

SUBJECT: Vacating Tolache Court West of El Camino Real.

(Sorrento Hills Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-398) ADOPTED AS RESOLUTION R-287980

Vacating Tolache Court southerly of El Camino Real and adjacent to Lots 5 and 6 of Sorrento Hills corporate Center Phase 1, Map-12566, under the procedure for the summary vacation of streets;

Declaring that this resolution shall not become effective unless and until the conditions listed have been met within one year of adoption of the resolution, or this resolution shall become void and be of no further force or effect;

Directing the City Engineer to advise the City Clerk of the approval of the conditions.

CITY MANAGER SUPPORTING INFORMATION:

The abutting property owner has requested the vacation of Tolache Court to facilitate the marketing and future development of the two undeveloped lots that front on Tolache Court. Tolache Court was originally dedicated to provide access to the two lots that front on El Camino Real. These lots were not allowed direct access to El Camino Real because of the street designation of a

6-lane primary arterial street. El Camino Real was reclassified and is now a 6-lane major street, which does not allow for direct driveway access. The subject right-of-way is located in the Sorrento Hills Community Plan Area and is situated in a M1-P-Zone.

The area of vacation totals approximately 15,000 square feet and would provide additional area for development. The area of vacation is an unimproved cul de sac that would serve two properties currently under one ownership. Access to the two parcels would be provided through a mutual access agreement or easement with its location being in the same location as the cul de sac's intersection with El Camino Real. This would continue to accommodate existing left turn movements to the properties from an existing median opening for this site. There are no public utilities or franchise facilities located within the right-of-way. Easement reservations are not required. Curb, gutter, one curb opening, and sidewalk shall be constructed across Tolache Court satisfactory to the City Engineer, as a condition of the vacation. Staff review of the vacation indicates that the four required findings of vacation can be made and that the right-of-way may be summarily vacated.

FILE LOCATION: STRT-J-2854 DEED FY 97-1

COUNCIL ACTION: (Tape location: A064-334.)

Hearing began at 10:20 a.m. and halted at 10:41 a.m.

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332:

SUBJECT: Request by the appellants for an appeal from the decision of the Planning Commission in approving the request for University of San Diego Master Plan; Conditional Use, and Resource Protection Overlay Zone Permit CUP/RPO-92-0568.

(Linda Vista Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitem A; and adopt Subitem B to deny the appeal and grant the permits:

Subitem-A: (R-97-668) ADOPTED AS RESOLUTION R-287981

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-92-0568 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-97-669) ADOPTED AS RESOLUTION R-287982
DENYING APPEAL AND GRANTING
PERMITS AS AMENDED

Adoption of a Resolution granting or denying the appeal and granting or denying the permits with appropriate findings to support Council action.

SUPPORTING INFORMATION:

A Conditional Use and Resource Protection Ordinance (CUP/RPO) Permit to allow the phased implementation of a proposed "Master Plan" on the University of San Diego campus within the R1-5000, R1-15000, R-3000, R-1000 and C Zones, Hillside Review Overlay Zone, Linda Vista Community Plan Area.

LEGAL DESCRIPTION:

The subject property is more particularly described as located at 5998 Alcala Park (Lot 1, Map-14126).

FILE LOCATION: PERM-CUP/RPO-92-0568

COUNCIL ACTION: (Tape location: B016-C610.)

Hearing began at 10:56 a.m. and halted at 12:16 p.m.

Mayor Golding left at 11:48 a.m. and returned at 11:59 a.m.

Testimony in opposition by Susan Hannasch, David Hannasch, Kathryn Johnson, Jan Chapin Brown, Pat Buckmaster, Fred Kuhlmann, Susana Eubank, John Anderson, Robert Cohen, Virginia Legardia.

Testimony in favor by Dr. Alice Hayes, Peter Hughes, Darlene Shiley, William Jones, James Milch, Bob Williams, Eloise Battle, and Tom Reid.

MOTION BY STALLINGS TO ADOPT SUBITEM A, AND ADOPT SUBITEM B TO DENY THE APPEAL AND GRANT THE PERMITS WITH THE FOLLOWING AMENDMENTS: ACCEPT THE PLANNING COMMISSION'S DECISION TO APPROVE THE DESIGNATION OF THE LOWER OLIN SITE AS A FUTURE STUDY AREA. DESIGNATE NORTHEAST STUDENT HOUSING AS A FUTURE STUDY AREA. REQUEST THAT THE ALTERNATIVE PLAN, WHICH HAS BEEN REVIEWED BY THE UNIVERSITY AND GENERALLY APPROVED BY THE COMMUNITY GROUPS, BE INCLUDED AS PART OF THIS CUP. ENSURE THAT THE FUTURE STUDY AREA DOES NOT FURTHER INTRUDE INTO TECOLOTE CANYON. APPROVE THE SPORTS PARK PLAN A, ALTERNATIVE Z, WHICH WOULD INCLUDE 375 SPACES, INCREASED BUFFERS, AND AN ALTERNATIVE DRIVEWAY ROUTE. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333:

SUBJECT: Second Amendment to the Redevelopment Plan for the Central Imperial Redevelopment Project.
(See SEDC's memorandum for the Agenda of 10/29/96. District-4.)

SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-97-411) ADOPTED AS RESOLUTION R-287983

Consenting to a Joint Public Hearing on the proposed second amendment to the Redevelopment Plan for the Central Imperial Redevelopment Project;

Authorizing the establishment of a date, time, and

place and authorizing publication and mailing of notice
of the Joint Public Hearing.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A064-334.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334:

SUBJECT: Terminating the Disposition and Development Agreement
with Neighborhood Bancorp.
(See SEDC's memorandum for the agenda of 10/29/96;
Neighborhood Bancorp's 9/11/96 letter. District-4.)

SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-97-426) ADOPTED AS RESOLUTION R-287984

Terminating the Disposition and Development Agreement
with Neighborhood Bancorp for the lease of Lot 7 in the
Gateway Center West Redevelopment Project Area.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A064-334.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S500: TRAILED TO TUESDAY, NOVEMBER 12, 1996, DUE TO A
LACK OF FIVE AFFIRMATIVE VOTES

(Continued from the meeting of October 22, 1996, Item

336, at Councilmember Mathis's request, to give staff time to analyze the Economic Feasibility Statement received last Friday from the applicant.)

SUBJECT: The Ranch at Stallions Crossing Project.

Consideration of an amendment to the General Plan, NCFUA Framework Plan and Local Coastal Program; a Vesting Tentative Map; a Planned Residential Development Permit; a Resource Protection Ordinance Permit and a Public Facilities Financing Plan. (NCFUA Subarea II.)

The project is located in the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, the final decision on the project will be with the California Coastal Commission. The amendment is not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendment. (Case-GPA/FPA/LCP/RZ/VTM/RPO/PFFP-93-0441. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions in Subitems AA - DD and introduce the ordinance in Subitem EE:

Subitem-AA: (R-97-418)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-93-0441 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines. Directing the City Manager to return with appropriate findings, and if necessary, Statement of Overriding Considerations, and Mitigation, Monitoring, and Reporting Program.

Subitem-BB: (R-97-434)

Adoption of a Resolution amending the Framework Plan as proposed by the City Manager.

Subitem-CC: (R-97-417)

Adoption of a Resolution approving a reduced project alternative for the Vesting Tentative Map, and requiring the applicant to work with Development Services in the appropriate revision of said map, with appropriate findings to support Council action.

Subitem-DD: (R-97-419)

Adoption of a Resolution approving a reduced project alternative for the permits, and requiring the applicant to work with Development Services in the appropriate revision of said permits, with appropriate findings to support Council action.

Subitem-EE: (O-97-59)

Introduction of an Ordinance approving the transfer of 37 dwelling units of existing development rights from City Water Utilities owned land in San Pasqual.

SUPPORTING INFORMATION:

The project site is located immediately west of El Camino Real, south of Via de la Valle between San Dieguito Road and Derby Downs Road, and north of the community of Carmel Valley in the City of San Diego. The zoning on this property is A1-10.

FILE LOCATION: Subitems AA,BB: LAND - NCFUA Subarea II;
Subitem CC: SUBD - The Ranch at
Stallions Crossing; Subitem DD: PERM -
RPO-93-0441; Subitem EE: NONE

COUNCIL ACTION: (Tape location: D006-E372.)

Hearing began at 2:14 p.m. and halted at 3:24 p.m.

Testimony in opposition by Joyce Tavrow, Kathleen McIntosh, Opal Trueblood, Lynne Baker, David Kreitzer, Craig Adams, Ruth Merrill, Matt Witman, Diane Coombs, Jan Fuchs, and Ann Harvey.

Testimony in favor by Roy Collins, Gary London, and Greg Garratt.

Mayor Golding left at 3:09 p.m.

Motion by Mathis to adopt the resolutions and introduce the ordinance approving this project which represents a maximum of 47 units on the site and is consistent with the framework plan of one unit to one acre. If for some reason Mr. Collins does not exercise the option to build the affordable housing, he would then have the option to go to a tenth of a unit per acre which would drop the total amount to 38 units on that acreage. TDR's would involve a transfer of development rights consistent with the underlying zone on the properties that have been developed. Include a traffic light with the proviso that the developer provide the funding for the design and installation of it. Because of the safety issues that have been raised concerning the curvature of the road, the road should be designed and built consistent with City standards, to include a warning signal to motorist coming around the curve cautioning them of the traffic light ahead. Second by McCarty. Failed. Yeas-1,2,7. Nays-3,4,5,6. Not present-8,M.

Trailed to Tuesday, November 12, 1996, due to a lack of five affirmative votes.

ITEM-S501: TRAILED TO TUESDAY, NOVEMBER 12, 1996, TO BE
 TAKEN AFTER ITEM S500

(Continued from the meeting of October 22, 1996, Item 334, at Deputy Mayor Stallings's request, until Item 336 The Ranch at Stallions Crossing from 10/22/96 has been dealt with.)

SUBJECT: Three actions related to the North City Future Urbanizing Area Subarea II Public Facilities Financing Plan and Development Impact Fees.

(See City Manager Report No. P96-239; Councilmember Mathis's memo dated October 8, 1996; Theodore Griswold's letter dated 10/9/96; Roy Collins's letter dated 10/8/96. North City Future Urbanizing Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-394 Corr.Copy)

Approving the document entitled "North City Future Urbanizing Area Subarea II Public Facilities Financing Plan and Development Impact Fee, October, 1996" and ordering fees to be imposed and collected;

Declaring that the fees shall not be imposed or collected until such time as one of the following tentative maps is fully and finally approved: TM-93-0441, TM-95-0197 or TM-95-0196, which approval includes a Phase Shift, if necessary.

Subitem-B: (R-97-395 Corr.Copy)

Rescinding the existing Interim North City Future Urbanizing Development Impact Fees within Subarea II;

Declaring that effective at such time as any one of the following tentative maps are fully and finally approved: TM-93-0441, TM-95-0197 or TM-95-0196, which approval includes a Phase Shift, if necessary.

Subitem-C: (R-97-396)

Authorizing the City Auditor to establish the Subarea II North City Future Urbanizing Area Development Impact Fee fund.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 10/9/96, LU&H voted 4-0 to accept the City Manager's report, forward the matter to the City Council with no recommendation, and direct the City Manager to address Councilmember Mathis's and the public's concerns at the City Council hearing. Motion made by Councilmember Stevens, Second by Councilmember Warden. (Councilmembers Mathis, Stevens, Warden and McCarty voted yea. Councilmember Wear not present.)

NOTE: This is a companion item to the Stallions Crossing Projects.

ITEM-S502:

SUBJECT: Two actions related to the Mid-City Urban Village -
Sale of Property.

(City Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-444) ADOPTED AS RESOLUTION R-287985

Authorizing the sale of certain real property owned by the City to the San Diego Community College District, through a negotiated sale, for the purpose of the District constructing a 55,000 square foot, three-story facility with underground parking to be used as an adult education facility. The property is located at the southwest corner of Fairmount Avenue and Wightman Street in the City of San Diego;

Authorizing the execution of a Grant Deed conveying said property to the San Diego Community College District;

Declaring that the property shall be sold for \$271,830, which is the fair market value of the property as determined by a qualified appraiser employed by the Real Estate Assets Department of the City of San Diego;

Authorizing the City Manager to take all necessary actions to form a Special Parking District to provide 58 parking spaces on Wightman Street between 43rd Street and Fairmount Avenue to be used by the District for the facility's regular operations.

Subitem-B: (R-97-445) ADOPTED AS RESOLUTION R-287986

Certifying that the information contained in Mitigated Negative Declaration DEP-96-0578, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, that the Declaration reflects the independent judgment of the City as Lead Agency, and that the information contained in the report, together with any comments received during the public review process, has been

reviewed and considered by the Council; adopting the Mitigation, Monitoring and Reporting Program.

FILE LOCATION: DEED F-6856 DEED FY97-1

COUNCIL ACTION: (Tape location: A064-334.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea (nay on the use of Transnet funds only), McCarty-yea (nay on the use of Transnet funds only), Vargas-yea, Mayor Golding-yea.

ITEM-S503:

(Continued from the meeting of October 21, 1996, Item 102, at the City Manager's request, to allow time for proper noticing.)

SUBJECT: Street Name Change - Pericarp Court to Sea Mist Court.

(See LU&H Consultant Analysis LUH-96-7. Mira Mesa Community Area. District-5.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-97-307) ADOPTED AS RESOLUTION R-287987

Changing the name of Pericarp Court to Sea Mist Court;

Declaring that the street signage shall indicate both the old street name and the new street name for a period of six months following adoption of this resolution, for the convenience of the general public;

Authorizing the installation and removal of the necessary signs and markings.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 10/9/96, LU&H voted 3-0 to approve the item on consent. (Councilmembers Mathis, Stevens, and McCarty voted yea.

Councilmembers Wear and Warden not present.)

CITY MANAGER SUPPORTING INFORMATION:

The affected residents have petitioned for the proposed street name change. The request has been generated due to the dissatisfaction of the affected property owners regarding the existing street name. Pericarp Court was dedicated per the Monarch Estates Unit No. 8, Map-13162, which was recorded on November 15, 1994. All of the affected property owners have agreed to the proposed street name change. All costs for the street signage have been provided by the property owners. Staff recommends approval of the proposed street name change.

FILE LOCATION: DEED F-6861

COUNCIL ACTION: (Tape location: A064-334.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Stallings at 3:25 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: E373.)